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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,216	01/31/2002	E. Lewis Barton	10011355-1	4832

7590 02/18/2003

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

TRAN, HUAN HUU

ART UNIT


PAPER NUMBER

2861

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FILE COPY

<b>Office Action Summary</b>	Applicant No.	Applicant(s)	
	10/066,216	BARTON ET AL. 	
	Examiner	Art Unit	
	Huan H. Tran	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948).                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other:

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**DETAILED ACTION**

***Specification***

1. The use of the trademark Mylar has been noted in this application (page 2, line 30). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Niimura et al. (US Patent No. 6203137 B1). See Col. 5, lines 15-24; lines 45-46.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Niimura et al (EP 0841175 A2). For example, see Col. 6, lines 10-20; lines 42-45.

***Claim Rejections - 35 USC § 103***

5. Claims 1-11, 15, 16, 17, 18, 19, 21, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niimura et al (either reference) in view of Osborne et al (US Patent No. 5614930 cited in the IDS dated 01/31/02).

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Niimura et al. disclose the invention for the reason stated above except it does not show a spittoon having an inwardly extending lip at the top edge of at least one wall to contain the waste ink within the spittoon.

Osborne et al show such spittoon with inwardly extending lip (88) at the top edge of at least one vertical wall.

Therefore it would have been obvious to one of ordinary skill in the art to use the spittoon taught by Osborne et al. in place of the one in Niimura et al. to contain the waste ink within the spittoon.

With respect to claims 15, 16 and 21 it is submitted that configuring the length of the inwardly extending lip so that the lip retains a predetermined volume of waste ink when the spittoon is tilted toward the lip at an angle is a design matter which is clearly within the skill of a person in the art.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niimura et al (either reference) in view of Taylor et al (US Patent No. 5742303 cited in the IDS dated 01/31/02).

Niimura et al. disclose the invention for the reason stated above except it does not show a spittoon having a retractable lid.

Taylor et al. disclose such spittoon.

Therefore it would have been obvious to one of ordinary skill in the art to use a spittoon taught by Taylor et al in place of the one in Niimura et al to contain the waste ink within the spittoon.

7. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Niimura et al (either reference) in view of Osborne et al as applied to claim 17 above, and further in view of Taylor et al.

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Niimura et al and Osborne et al. disclose the claimed combination except for the limitation of a lid covering the opening of the spittoon.

Taylor et al disclose such spittoon.

Therefore it would have been obvious to one of ordinary skill in the art to modify the combination of Niimura et al and Osborne et al. with the teaching of Taylor et al to provide a lid for the spittoon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (703) 308-0749. The examiner can normally be reached on M-F with alternate Friday off, from 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3421 for regular communications and (703) 308-3421 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1749.



Huan H. Tran  
Primary Examiner  
Art Unit 2861

hht  
January 30, 2003